

**Harvis
& Fett**

**GABRIEL P. HARVIS
BAREE N. FETT**

May 19, 2017

By ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Martinez v. City of New York, et al.*, 16 CV 79 (AMD) (CLP)

Your Honor:

I represent plaintiff in the above-referenced action. I write to respectfully request a forty-five day extension of the discovery deadline from May 26, 2017 to July 10, 2017, and a concomitant adjournment of the settlement conference on May 31, 2017, to a date and time convenient to the Court after the close of discovery. This is the third request for an extension of the discovery deadline and the second request for an adjournment of the settlement conference. Defendants consent to this application.

Following the parties' prior extension request last month, the deposition of defendant Sergeant Forgione was conducted. A dispute has arisen, however, in connection with that deposition as plaintiff contends core material regarding Forgione was not produced in advance of his examination. We anticipate raising the issue before Your Honor in a separate application.

The deposition of non-party Lieutenant Robinson was also conducted, but due to a work-related emergency, the witness had to leave the deposition early. The parties have agreed to schedule the continuation of that deposition in short order. The deposition of non-party Danny Rivera was also scheduled, but the witness failed to appear.

The depositions of defendant Lieutenant Weitzman and non-party Sergeant DiGennaro remain outstanding. In addition, while document discovery is largely

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completed, there is the abovementioned dispute between the parties that will require briefing. Defendants also recently identified Police Officer Joseph Grisafi as an individual that they may use to support their defenses, and provided his memo book entry for the time period in question. The undersigned will be conferring with defense counsel in short order to determine whether a deposition of this officer or further document discovery will be necessary for this witness.

Accordingly, the plaintiff respectfully requests an extension of the discovery deadline until July 10, 2017 and a concomitant adjournment of the settlement conference to a date and time convenient to the Court after the close of discovery.

Thank you for your attention to this matter.

Respectfully submitted,


Barbara N. Fett

cc: ACC Paul Johnson, Esq.

Request granted
Conference adjourned
to 7/19 at 1100
So Ordered


Cheryl Pollak
usm
5/22/17